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ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
PER CURIAM

CA05-1237

May 3, 2006

BYARS CONSTRUCTION CO., LLC	AN APPEAL FROM JEFFERSON COUNTY
APPELLANT	CIRCUIT COURT
	[NO. CV2004-87-1]
v.	
P&C MANAGEMENT AND	HONORABLE BERLIN JONES,
CONSTRUCTION, LLC; LE VAN	CIRCUIT JUDGE
DANG; and TUYETNGA T. DANG	
APPELLEES	DISMISSED

This appeal is brought from an order dismissing the complaint of appellant Byars Construction Company, LLC, against appellees P&C Management and Construction, LLC, and Le Van and Tuyetnga Dang. Because the order appealed from does not dispose of all of the claims filed by the parties and does not contain an Ark. R. Civ. P. 54(b) certificate, we must dismiss the appeal.

On February 5, 2004, Byars filed a complaint against P&C Management and the Dangs to foreclose on a lien. The complaint alleged that P&C, as general contractor, and the Dangs, as property owners, had hired Byars to do the carpentry and frame work on a 7141-square-foot residence. According to Byars, its work was ninety-five percent complete and it had received all but \$11,742.32 of the amount due it when P&C hired another crew to complete the job. It therefore asserted a lien on the property and sought judgment for that amount.

P&C and the Dangs each filed an answer to Byars's complaint, along with individual counterclaims. P&C's counterclaim sought judgment against Byars for \$5754, alleging that, as the result of Byars's failure to timely or satisfactorily complete the job, P&C was required

to hire another crew and expend money over and above the contract price. The Dangs' counterclaim sought an unspecified amount of compensatory and punitive damages against Byars for slander of title.

By order entered September 12, 2005, the trial judge dismissed Byars's complaint, ruling that Byars had neither adequately pled entitlement to the lien nor provided the Dangs with the lien notice required by Ark. Code Ann. § 18-44-115 (Repl. 2003). The record does not reflect that P&C's and the Dangs' counterclaims were dismissed or otherwise resolved.

An order that fails to adjudicate all of the claims as to all of the parties is not final for purposes of appeal. *See* Ark. R. Civ. P. 54(b)(2) (2005); *Dodge v. Lee*, 350 Ark. 480, 88 S.W.3d 843 (2002). A trial court may enter a final judgment, even in the absence of a resolution of all claims, by including an appropriate certificate in its order as set forth in Ark. R. Civ. P. 54(b)(1). However, where, as here, the record reflects neither an adjudication of all claims nor a proper Rule 54(b) certificate, the court's order is not final, and we have no jurisdiction to hear the appeal. *See* Ark. R. Civ. P. 54(b)(2); *Dodge, supra*. We therefore dismiss the present appeal without prejudice.